

**AGENDA MEMO**

**CITY COUNCIL MEETING OF: DECEMBER 16, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-36172 - APPLICANT/OWNER: G.L. DRAGON, LLC**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

**Planning and Development**

1. Conformance to all Minimum Requirements under Title 19.04.010 for a Supper Club use.
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed 7,800 square-foot Supper Club at 1050 South Rampart Boulevard. The subject site was previously utilized as a Supper Club, and is located within an existing 641,664 square-foot Shopping Center (Boca Park). The Boca Park shopping center is capable of accommodating a variety of uses, and the addition of a Supper Club within this center is compatible with the existing and future surrounding land uses; therefore, staff recommends approval of this request. If this application is denied, a supper club use will not be allowed at the site.

**ISSUES**

- The proposed use complies with all Title 19 Zoning Code requirements and can be conducted in a manner that is harmonious and compatible with the existing and future surrounding land uses; therefore, staff is recommending approval of this application.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc and Property Sales</i>	
05/20/81	The City Council approved a request for a Rezoning (Z-0034-81) from N-U (Non-Urban) to R-1 (Single-Family Residential), R-2 (Medium-Low Density Residential), R-3 (Medium Density Residential), R-MHP (Residential Mobile / Manufactured Home Park), R-PD7 (Residential Planned Development – Seven Units per Acre), R-PD8 (Residential Planned Development – Eight Units per Acre), P-R (Professional Office and Parking), C-1 (Limited Commercial), C-2 (General Commercial), and C-V (Civic) on property generally located north of Sahara Avenue, south of Westcliff Drive, west of Durango Drive, and east of Hualapai Way. [Note: portions of this tract have been over-zoned by subsequent Peccole Ranch Master Plan cases]. The Planning Commission recommended approval of the request.
04/07/82	The City Council approved a request for a Rezoning (Z-0010-82) from N-U (Non-Urban) [under resolution of intent to C-2 (General Commercial) and R-3 (Limited Multiple Residences)] to C-2 (General Commercial) and R-3 (Limited Multiple Residences) on property generally located on the north side of Charleston Boulevard, west of Durango Drive. The Planning Commission recommended approval of the request.
11/16/88	The City Council approved a request for a Rezoning (Z-0104-88) from N-U (Non-Urban) [under resolution of intent to R-MHP (Residential Mobile / Manufactured Home Park) to R-1 (Single-Family Residential). The Planning Commission recommended approval of the request.

09/02/92	The City Council approved a request for a Rezoning (Z-0030-92) from N-U (Non-Urban) (under Resolution of Intent to R-1 (Single-Family Residential), C-1 (Limited Commercial), and C-2 (General Commercial) to R-1 (Single Family Residence) and C-1 (Limited Commercial) on property located on the east side of Rampart Boulevard, between Charleston Boulevard and Alta Drive. The Planning Commission recommended approval of the request.
04/27/98	The City Council approved a request for a Rezoning (Z-0012-98) on property located on the southeast corner of Rampart Boulevard and Alta Drive, from: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] Under Resolution of Intent to C-1 (Limited Commercial) to: PD (Planned Development) proposed use: 248 room, five-story, non-gaming hotel, 650 seat amphitheater, 535,200 square foot retail, 57,600 square foot office, 125 unit condominium complex, a four-story parking garage, and a six-story parking garage, size: 47.4 acres. The Planning Commission recommended approval of the request.
	The City Council approved a request for a Site Development Plan Review [Z-30-92(5)] for a proposed 433,240 square-foot Retail Shopping Center including 21 retail pad sites (phase 1) on property located on the northeast corner of Rampart Boulevard and Charleston Boulevard. The Planning Commission recommended approval of the request.
02/22/99	The City Council approved a request for a Special Use Permit (U-1070-98) for Package Liquor Sales in conjunction with a proposed 15,980 square-foot Drug Store on property located on the east side of Rampart Boulevard, approximately 1,120 feet north of Charleston Boulevard. The Planning Commission recommended approval of the request.
06/14/99	At the City Council meeting a request for a Special Use Permit (U-0043-99) for Off-Premise Sale of Beer and Wine in conjunction with a proposed 6,080 square-foot Convenience Store/ Fast Food Restaurant on property located at the northeast corner of Charleston Boulevard and Rampart Boulevard was withdrawn without prejudice. The Planning Commission recommended denial of the request.
11/18/99	The Planning Commission approved a request for a Site Development Plan Review [Z-0030-92(8)] for a proposed Fast Food Restaurant with Drive-Through in conjunction with a Retail / Restaurant building on property located on the east side of Rampart Boulevard and the north side of Charleston Boulevard. This case number was reassigned to Z-0030-92(11).
01/04/00	The Planning and Development Department approved a request for a Site Development Plan Review [Z-0030-92(11)] for a proposed Fast Food Restaurant with Drive-Through in conjunction with a Retail / Restaurant building on property located on the east side of Rampart Boulevard and the north side of Charleston Boulevard.

01/05/00	The City Council approved a request for a Special Use Permit (U-0116-99) for the Off-Premise Sale of Beer and Wine in conjunction with a supermarket on property located at 810 S. Rampart Boulevard. The Planning Commission recommended approval of the request.
01/12/00	The Planning and Development Department approved a request for a Site Development Plan Review [Z-30-92(13)] for a proposed 8,500 square-foot Retail Center on property located on the northeast corner of Charleston Boulevard and Rampart Boulevard.
02/16/00	The Planning and Development Department approved a request for a Site Development Plan Review [Z-30-92(12)] for a proposed 720 square-foot Temporary Bank Facility on property located on the northeast corner of Charleston Boulevard and Rampart Boulevard.
04/18/01	The City Council approved a request for a Master Sign Plan Review [Z-0012-98(3)] for property located at the southeast corner of the intersection of Alta Drive and Rampart Boulevard (Boca Park, Phase III).
07/05/01	The City Council approved a request for a Special Use Permit (U-0054-01) for a 6,218 square foot Supper Club on 1.15 acres on the east side of Rampart Boulevard, approximately 220 feet north of Charleston Boulevard within Boca Park Phase 1. The Planning Commission recommended approval of the request.
08/01/01	The City Council approved a request for a Special Use Permit (U-0068-01) for a proposed Supper Club on the north side of Charleston Boulevard, approximately 1,300 feet east of Rampart Boulevard. The Planning Commission recommended approval of the request.
	The City Council approved a request for a Site Development Plan Review [Z-0030-92(20)] for a proposed Supper Club on the north side of Charleston Boulevard, approximately 1,300 feet east of Rampart Boulevard. The Planning Commission recommended approval of the request.
03/25/04	At the Planning Commission meeting a request for a Special Use Permit (SUP-3717) for a Night Club at 1050 South Rampart Boulevard was withdrawn without prejudice at the applicants' request.
04/06/05	The City Council approved a request for a Special Use Permit (SUP-5859) for a proposed Supper Club at 1050 South Rampart Boulevard. The Planning Commission recommended approval of the request.
11/19/09	<a href="#">The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #15/jb).</a>
<b><i>Related Building Permits/Business Licenses</i></b>	
05/07/02	A Building Permit (#2008371) was issued for a Restaurant Certificate of Occupancy at 1050 South Rampart Boulevard. The building permit was finalized on 12/13/02.
	A Building Permit (#2008370) was issued for On-site Improvements and Hardscapes at 1050 South Rampart Boulevard. The building permit expired on 09/20/03.
09/27/02	A Building Permit (#2017608) was issued for a Sign at 1050 South Rampart Boulevard. The building permit expired on 06/14/03.

08/27/03	A Building Permit (#3018480) was issued for a Sign at 1050 South Rampart Boulevard. The building permit was finalized on 11/18/03.
09/12/03	A Building Permit (#3019715) was issued for a Sign at 1050 South Rampart Boulevard. The building permit was finalized on 11/18/03.
02/24/05	A Building Permit (#5001073) was issued for a Tenant Improvement at 1050 South Rampart Boulevard. The building permit was finalized on 08/31/05.
03/28/05	A Building Permit (#5001873) was issued for a Koi Pond at 1050 South Rampart Boulevard. The building permit expired on 01/07/06.
04/18/05	A Building Permit (#5002424) was issued for a Sign at 1050 South Rampart Boulevard. The building permit expired on 02/04/06.
07/14/05	A Business License (#V01-00035) was issued for Valet Parking at 1050 South Rampart Boulevard. The business license was marked out of business on 09/25/08.
07/15/05	A Business License (#L18-00025) was issued for a Liquor Caterer at 1050 South Rampart Boulevard. The business license was marked out of business on 12/05/07.
	A Business License (#L21-00044) was issued for a Supper Club at 1050 South Rampart Boulevard. The business license was marked out of business on 01/22/08.
	A Business License (#R09-01300) was issued for a Restaurant – seating more than 45 people at 1050 South Rampart Boulevard. The business license was marked out of business on 12/07/07.
07/05/06	A Building Permit (#6004484) was issued for a Tenant Improvement at 1050 South Rampart Boulevard. The building permit expired on 01/14/08.
01/30/08	A Business License (#R09-01461) was issued for a Restaurant seating more than 45 people at 1050 South Rampart Boulevard. The business license was marked out of business on 09/25/08.
01/31/08	A Business License (#L21-00061) was issued for a Supper Club at 1050 South Rampart Boulevard. The business license was marked inactive on 10/14/08.
02/07/08	A Building Permit (#7003447) was issued for a Sign at 1050 South Rampart Boulevard. The building permit expired on 08/09/08.
<b><i>Pre-Application Meeting</i></b>	
09/18/09	A pre-application meeting was held where the submittal requirements for a Special Use Permit for a Supper Club were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	

<b><i>Field Check</i></b>	
10/15/09	Staff conducted a field check and noted a well maintained, vacant building within a shopping center.

<i><b>Details of Application Request</b></i>	
<i><b>Site Area</b></i>	
Gross Acres	1.15 Acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i><b>Special Districts/Zones</b></i>	<i><b>Yes</b></i>	<i><b>No</b></i>	<i><b>Compliance</b></i>
<b>Special Area Plan</b>			
Boca Park Phase I & II Master Development Plan	X		Y
<i><b>Special Districts/Zones</b></i>	<i><b>Yes</b></i>	<i><b>No</b></i>	<i><b>Compliance</b></i>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	641,664 S.F.	1:250	2,531	36	2,639	36	
Total			2,567		2,639		Y

## ANALYSIS

The applicant is proposing a 7,800 square-foot Supper Club located within the Boca Park shopping center. The location was previously approved for use as a Supper Club, but the business license was marked inactive on 10/14/08, and the Special Use Permit subsequently expired six months later. The proposed use is consistent with the conditions of approval for a Supper Club use listed in Title 19.04. Also, the proposed use is consistent with adjacent uses within Boca Park as there are similar restaurants within the center. Staff finds that the proposed location of the Supper Club is compatible with the existing surrounding commercial land uses. The proposed use can be conducted in a manner that is harmonious and compatible with the existing and future surrounding land uses; therefore, staff recommends approval of this request.

## FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Supper Club is located within the Boca Park shopping center, and can be conducted in a manner that is harmonious with the existing and future land uses as projected by the General Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is suitable for a variety of retail and restaurant uses. There are several similar businesses within the existing development. Therefore, the subject Supper Club is appropriate for the subject site as proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The subject site has access via Rampart Boulevard and Charleston Boulevard; both are 100-foot Primary Arterials as designated in the Master Plan of Streets and Highways. These streets provide adequate access to and from the subject property.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposal conforms to the goals and objectives of the General Plan designation in which it is located. As such, it will not endanger the public health, safety, or welfare of the populace or be inconsistent with the objectives of the General Plan.

**5. The use meets all of the applicable conditions per Title 19.04.**

The site meets all applicable conditions per Title 19.04 for a Supper Club. The use conforms to Title 19 as conditioned.

**PLANNING COMMISSION ACTION**

The applicant agreed to all conditions at the Planning Commission Meeting.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

8

**NOTICES MAILED**

1350 by City Clerk

**APPROVALS**

2

**PROTESTS**

1